

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

RICHARD WAYNE HENDERSON,	§	
Petitioner,	§	
vs.	§	CIVIL ACTION NO. H-05-1951
	§	
DOUGLAS DRETKE,	§	
Respondent.	§	
	§	

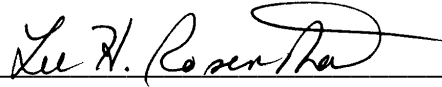
MEMORANDUM ON DISMISSAL

On April 4, 2005, Richard Wayne Henderson filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254 in Civil Action Number H-05-1140. On June 3, 2005, Henderson filed a second petition for a writ of habeas corpus under 28 U.S.C. § 2254.

Because the second federal petition did not contain a civil action number, it was docketed as a second petition for a writ of habeas corpus under 28 U.S.C. § 2254 in the above-styled action. Both federal petitions challenge a conviction entered in the 208th Judicial District Court of Harris County, Texas. (Cause Number 591257). It appears that Henderson intended to file a copy of his petition in Civil Action Number H-05-1140, not file a second petition. On May 31, 2005, this court dismissed another petition filed by Henderson as duplicative. (Civil Action Number 4:05-1840).

This civil action filed by Richard Wayne Henderson, (TDCJ-CID #650071), is DISMISSED without prejudice as improvidently filed. Any and all pending motions are denied as moot.

SIGNED on July 1, 2005, at Houston, Texas.

A handwritten signature in black ink, reading "Lee H. Rosenthal", is positioned above a horizontal line. The signature is fluid and cursive, with a large, stylized "L" and "R".

Lee H. Rosenthal
United States District Judge